

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS (SHERMAN)

FILED

DEC 20 2017

Clerk, U.S. District Court
Texas Eastern

CRAIG CUNNINGHAM, Pro-se)

Plaintiff)

v.)

Zceto Group, LLC, Stephen Goss)

Defendants.

CIVIL ACTION NO.:

4:17cv882

Mazzant

Plaintiff's Original Complaint

1. The Plaintiff in this case is Craig Cunningham, a natural person with a mailing address of 3000 Custer Road, ste 270-206, Plano, Tx 75075
2. Zceto Group, LLC is a Delaware corporation and can be served via registered agent: National Registered Agents, Inc., 160 Greentree Dr., ste 101, Dover, DE 19904 or Corporate officer Stephen Gross 440 Upas St., Apt 402 San Diego, CA 92103 or 925 B St., Floor 5, San Diego, CA 92101
3. Stephen Goss is a natural person and can be served at 440 Upas St., Apt 402 San Diego, CA 92103 or 925 B St., Floor 5, San Diego, CA 92101

Jurisdiction

4. Jurisdiction of this court arises as the acts happened in this county.
5. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here. Personal jurisdiction is apparent as the defendants are making calls/text messages to the state of Texas for the purpose of

soliciting Texas residents.

FACTUAL ALLEGATIONS

6. Starting on October 22nd 2017, the Plaintiff began receiving text messages that are considered calls per the United States Supreme Court in Satterfield v Simon Schuster, Inc. for enforcement under the Telephone Consumer Protection Act, 47 USC 227 et seq. (TCPA)
7. These text messages appeared to be promotional type messages as part of some marketing campaign. The text messages offered gift cards for Taco Bell, lotion, Starbucks, and other consumer type goods. The messages references the website “getitfree.us”, which the Plaintiff learned is associated with and owned by Zeeto Group, LLC and is directed by the direct involvement of Stephen Goss, Chief Executive Officer.
8. Stephen Goss directed this text messaging campaign to the Plaintiff’s cell phone as part of the regular business operations of Zeeto Group, LLC.
9. The text messages did not appear to be related to any emergency purpose and were not with the consent of the Plaintiff. The text messages referenced a “Lynda”, who is a person unknown to the Plaintiff.
10. A total of 19 messages were sent to the Plaintiff’s cell phone from SMS Short code 45894 on October 22nd, 2017 (twice), October 23rd 2017, October 24th 2017, November 2nd 2017, November 4th 2017, November 7th, 2017, November 9th 2017, November 14th 2017, November 16th 2017, November 20th 2017, November 21st 2017, November 24th 2017, November 25th 2017, November 28th 2017, November 30th 2017, and December 1st 2017.

11. Each and every message above was initiated using an automated telephone dialing system.
12. These calls violated the Telephone Consumer protection act, 47 USC 227 (b) by their automated nature and entitle the Plaintiff to \$1500 per call in damages.
13. The calls violated the TCPA due to the defendant's failure to maintain a Do not call list, failure to train the agents on the use of a do not call list, and failure to identify the party placing the call by including the name, address and telephone number at which the entity placing the calls may be contacted, pursuant to 47 USC 227 (c)(5) as codified by the FCC's 47 CFR 64.1200(d)(4).
14. These are a separate category of violations entitling the Plaintiff to an additional \$1500 per call. In total, the Plaintiff is entitled to recover \$3000 per call.

CAUSES OF ACTION:

COUNT I

Violations of the Telephone Consumer Protection Act (TCPA)

15. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
16. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing unsolicited automated calls to the Plaintiff's cell phone. These calls violated the TCPA, 47 USC 227(c)(5) as they failed to maintain a do not call list and train their agents on the use of it.

COUNT II

Violations of the Telephone Consumer Protection Act (TCPA)

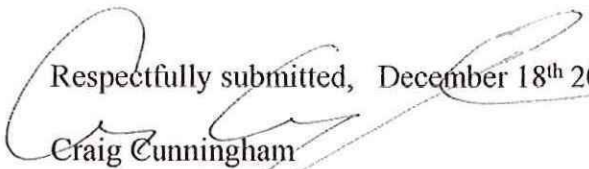
17. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

18. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing automated calls without an emergency purpose to the Plaintiff's phone. These calls violated 47 USC 227(b)

PRAYER FOR DAMAGES AND RELIEFS

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against Defendants
- B. Statutory damages of \$3000 for each phone call/text message and
- C. Pre-judgment interest from the date of the phone calls.
- D. Attorney's fees for bringing this action as incurred; and
- E. Costs of bringing this action; and
- F. For such other and further relief as the Court may deem just and proper

Respectfully submitted, December 18th 2017


Craig Cunningham

Plaintiff, Pro-se

Mailing address:

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Nashville, tn 37211, 615-348-1977